

# Memorandum

**TO:** City Council

**FROM:** Mayor Reed  
Vice-Mayor Cortese  
Councilmember Nguyen  
Councilmember Constant  
Councilmember Liccardo

**SUBJECT: POLICE RELATED REPORTS**

**DATE:** August 21, 2007

Approved

*Chuck Reed*

Date *8/21/07*

*Conf. Cort*

*Malisa Nguyen*

## INFORMATION

This memo is intended to provide written documentation of Council direction that was given at the Special City Council Meeting on Various Police Related Reports on June 21, 2007. This will assist staff in moving forward on the recommendations and in preparation of the September 11, 2007 City Council meeting, where the City Attorney will return with his response to Referral #11 (see below). Below is a comprehensive list of the final recommendations as adopted by the City Council.

1. Confirm the Independent Police Auditor's (IPA) right to challenge the Police Department's classification of complaints and inquiries, with ultimate resolution by the City Manager.
2. Direct the Chief to establish policies on the types of inquiries that should be made a part of the early warning and intervention counseling system.
3. Direct the Chief to develop a specific policy prohibiting retaliation against complainants.
4. Direct the Chief to continue to incorporate rudeness awareness training and reinforce the need for respectful treatment into regular training for all officers.
5. Add regular monitoring of major downtown night time events like Cinco de Mayo and Mardi Gras to the workplan of the Human Rights Commission (HRC).
6. Continue use of the mediation process and publicize its availability.

7. Direct the City Manager and Independent Police Auditor to work together to develop information packets for individuals contacting the IPA or Internal Affairs Unit (IA). *These packets are to be made available in multiple languages.*
8. Restrict the inclusion of data regarding the dispute of routine traffic citations from reports of complaints and inquiries until the matter is addressed by the traffic court. Complaints that are strictly disputes of the citation should be resolved by the traffic court and eliminated from the reports of complaints and inquiries.
9. Direct the IPA and IA to develop a packet of intake materials to be given to complainants at both agencies that would include complaint definitions, an explanation of the process, and necessary forms.
10. Direct the City Manager to work with the IPA and IA to develop a standardized script that explains the inquiry process, which IPA and IA staff will read at the time of intake.
11. Confirm the IPA's existing authority to review officer-involved shooting and in-custody death cases. Direct the City Attorney to return to the City Council at the first meeting in August with a report on the litigation impacts of moving all in-custody death cases that are a result of a use of force to the same level of auditing by the IPA as officer-involved shootings. *The City Attorney is further directed to analyze the county-wide protocol for in-custody deaths and clarify the distinction between in-custody deaths and critical incidents.*
12. Direct the Police Department to present its rudeness prevention training to the Human Rights Commission.
13. Direct the Independent Police Auditor to add further information- such as whether a complaint was filed, date and city of incident- to data collected at all future public forums regarding the Police Department and to convey this information explicitly in post-forum reports. This same information should be included in reports brought forward by the Human Rights Commission.
14. Add review of the Police Department's cultural diversity training to the workplan of the Human Rights Commission.
15. Accept the SJPd's self-initiated process to re-establish the Citizens' Police Academy, and grant priority for participation to HRC members.
16. Direct the Chief to conduct deeper data analysis for an annual use of force report. This analysis should include, but is not limited to, the location of arrest, residence of those arrested, and time of day the arrest occurred.

17. Direct the Chief to explore alternate terminology for "Inquiries," such as "information request" or "informational query."
18. Direct the City Manager to work with the Police Chief *and IPA* to develop a revised complaint process that determines classification based upon objective criteria and definitions for complaint categories. They are to bring regular updates on their progress to the Public Safety, Finance and Strategic Support Committee. *This will allow the IPA to be involved at the beginning of the process while the City Manager and Chief of Police are developing the criteria.* Final recommendations are to be brought back to the City Council within six months.
19. Require an independent and annual evaluation of key performance measures of the SJPD citizen complaint process.
20. Direct the City Manager to accept the Police Department's self-initiated practice, as of April 2007, of tracking police officers' names on Inquiries for a six-month period, and direct the City Manager to report on the status of this effort once six months of data are available, along with a staff resource and "value added" impact report.
21. Direct the City Manager to collaborate with the IPA on a report outlining the status of all the recommendations adopted at the Special City Council Meeting. This report is to be brought forward in conjunction with the IPA's mid-year report.

This documentation is also crucial in allowing the City of San José to officially respond to the Santa Clara County Civil Grand Jury report, **Police Misconduct May Be Underreported**. This report was released on June 27, 2007 following the Special City Council Meeting. A proposed City Council response, jointly authored by the Independent Police Auditor and the City Manager, is to be brought forward to Council on September 11, 2007.

Cc: Debra Figone, City Manager  
Barbara Attard, Independent Police Auditor  
Rick Doyle, City Attorney  
Lee Price, City Clerk